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ACTION L-03

INFO OCT-01 DRC-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25

NEA-14 RSC-01 ACDA-19 CIAE-00 DODE-00 PM-07 INR-10

NSAE-00 NASA-04 NSC-07 SCI-06 CCO-00 OTPE-00 EB-11

FCC-03 OC-06 COME-00 H-03 PA-04 PRS-01 SP-03 SS-20

USIA-15 OIC-04 /219 W

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R 080700Z MAY 74

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EO 11652 NA

TAGS TSPA PFOR UN FR UR CA

SUBJ UN OUTER SPACE LEGAL SUBCOMMITTEE (OSLS):

GENERAL DEBATE MAY 7

1. SUMMARY: SEVERAL KEY DELS MADE STATEMENTS AS OSLS
BEGAN GENERAL DEBATE MAY 7. DIVERGENT POSITIONS STATED
REGARDING PROVISIONS ON MARKING IN REGISTRATION TREATY,
AND RESOURCE EXPLOITATION IN MOON TREATY. USSR AND CANADA
PUSHED FOR OSLS AGREEMENT ON AT LEAST SOME PRINCIPLES ON
SATELLITE DIRECT BROADCASTING.

2. DETAILS. USSR (PIRADOV) OPENED OSLS GENERAL DEBATE
MAY 7 WITH REVIEW OF SOVIET COOPERATIVE SPACE ACTIVITIES,
EMPHASIZING THOSE WITH US. COOPERATION AGREEMENT
REACHED AT 1972 SUMMIT, PIRADOV SAID, WAS "FLOWERING,"
MANIFESTED ABOVE ALL IN PREPARATIONS FOR SOYUZ-APOLLO
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JOINT FLIGHT. USSR REP RECALLED THAT 1972 AGREEMENT

ALSO COVERED DEVELOPMENT OF INTERNATIONAL LAW
ON OUTER SPACE. (ARTICLE IV).

3. TAKING UP OSLS AGENDA ITEMS, PIRADOV EXPRESSED VIEW
THAT BOTH MOON AND REGISTRATION TREATIES SHOULD BE COMPLETED
AT CURRENT SESSION AND MADE PROPOSALS TO ASSIST
THAT PROCESS BY RESOLVING MAJOR OUTSTANDING ISSUES.

(A) ON LUNAR RESOURCES ISSUE HE SUGGESTED FORMULATION
THAT SUCH RESOURCES SHOULD BE "OBJECT OF COMMON USE BY
ALL STATES" AS "FURTHER STEP TOWARD COMPROMISE THAT MIGHT
BE ACCEPTABLE TO ALL." USSR WILL ELABORATE ON THIS PROPOSAL
LATER. (PIRADOV SAID NOTHING ABOUT TREATY SCOPE OR
ADVANCE NOTIFICATION OF MISSIONS).

(B) ON REGISTRATION, PIRADOV CALLED MARKING A "COMPLICATED,
DELICATE QUESTION WHICH DOES NOT DIRECTLY CONCERN
OBJECTIVES OF THIS TREATY." HE PROPOSED PROVISION THAT
REGISTERING STATE WOULD INFORM SYG WHEN MARKING MADE IN
FORM OF REGISTRATION NUMBER OR CONVENTIONAL IDENTIFICATION
MARK TO DESCRIBE SPACE OBJECT.

4. ON DIRECT BROADCAST SATELLITES (DBS), PIRADOV
ALLEGED AGREEMENT REACHED IN MARCH '74 SESSION OF DBS
WORKING GROUP ON "FIVE OF MOST IMPORTANT PRINCIPLES."
OSLS SHOULD MOVE TOWARD AGREEMENT ON BASIS OF THESE.
TO FURTHER SUCH AGREEMENT, USSR WAS PREPARED TO CONSIDER
OTHERS' PROPOSED PRINCIPLES, E.G., DEVELOPING
COUNTRIES' INTEREST IN BENEFITS OF DBS; NEED FOR
ASSISTANCE TO LDCS TO ENABLE PARTICIPATION IN DIRECT
BROADCASTING; AND DESIRABILITY OF COOPERATION BETWEEN
BROADCASTERS' ORGANIZATIONS. THIS LAST PRINCIPLE,
HOWEVER, WAS ACCEPTABLE TO USSR ONLY IN CONJUNCTION
WITH PRINCIPLE OF STATE RESPONSIBILITY FOR NATIONAL
ACTIVITIES RE DBS. IN THIS CONNECTION PIRADOV SUPPORTED
AN AUSTRIAN PROPOSAL AT DBS WG WHICH HE INTERPRETED AS
MEANING INTERNATIONAL DIRECT BROADCASTING PERMISSIBLE
ONLY BY ORGANIZATIONS AUTHORIZED BY THEIR RESPECTIVE GOVTS.

5. PIRADOV CONCLUDED WITH REFERENCE TO OSLS VENUE, ALLEGING
THAT GENEVA FORMERLY "PERMANENT SEAT" OF SUB-
COMMITTEE. AGREEMENT TO ALTERNATE SESSIONS BETWEEN GENEVA
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AND NEW YORK HAD COINCIDED WITH LARGE NUMBER OF NEW
YORK SESSIONS OF OUTER SPACE COMMITTEE AND ITS OTHER
SUBSIDIARY BODIES, IN SOME CASES MEANING FOUR TRIPS
TO NEW YORK BY KEY DELEGATION MEMBERS IN SAME YEAR.
ACCORDING TO USSR'S "PRELIMINARY, INFORMAL INVESTIGATION,"
PIRADOV SAID, OSLS COULD MEET IN GENEVA BETWEEN JANUARY
AND APRIL OR SEPTEMBER AND DECEMBER WITHOUT SUBSTANTIAL
ADDITIONAL COST OVER NEW YORK, PARTICULARLY IF TAPES

SUBSTITUTED FOR SUMMARY RECORDS.

6. INDIA STATED POSITIONS CONTRAVENING USSR (AND IN CERTAIN RESPECTS US) VIEWS ON SEVERAL MAJOR MOON TREATY AND REGISTRATION ISSUES. ON LATTER, INDIAN REP CATEGORICALLY STATED MARKING SHOULD BE COMPULSORY WITH AN OBLIGATION TO REPORT TO SYG. MARKING PROVISION, HE SAID, WAS ESSENTIAL ELEMENT OF REGISTRATION TREATY INTERRELATED TO LIABILITY CONVENTION.

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INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01 IO-14

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7. ON MOON TREATY, INDIAN SUPPORTED COVERAGE OF OTHER CELESTIAL BODIES BUT SAID TREATY SHOULD STATE ITS PROVISIONS WOULD CEASE TO APPLY TO SPECIFIC BODIES IF AND WHEN THESE BECAME SUBJECTS OF SEPARATE TREATIES. DEVELOPING COUNTRIES, HE CONTINUED, ATTACHED CONSIDERABLE IMPORTANCE TO FORMULATING SATISFACTORY PROVISIONS ON LUNAR RESOURCES; STATEMENTS IN OSC AND UNGA HAD REVEALED BIG MAJORITY FAVORED "COMMON HERITAGE" AND

ESTABLISHMENT OF INTERNATIONAL REGIME FOR ORDERLY MANAGEMENT, EQUITABLE SHARING AND OPPORTUNITY FOR USE OF SUCH RESOURCES, TAKING DEVELOPING COUNTRY NEEDS INTO PARTICULAR ACCOUNT. ALSO, RESOURCE EXPLOITATION SHOULD NOT BE UNDERTAKEN EXCEPT PURSUANT TO INTERNATIONAL REGIME TO BE ESTABLISHED.

8. CANADA (MILLER) EXPRESSED OPTIMISM OVER PROSPECTS FOR OSLS SESSION ON BASIS OF RECENT PROGRESS OUTSIDE LIMITED OFFICIAL USE

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SUBCOMMITTEE, IN PARTICULAR ON REGISTRATION AND DBS. MILLER DECLARED COMPLETION OF REGISTRATION TREATY "AT HAND". SINCE 1973 OSC SESSION CANADA HAD CONSULTED WITH "FRENCH, US AND OTHER OFFICIALS" ON WAYS TO RESOLVE MARKING ISSUE; IT WOULD PRESENT NEW TEXT TO SUBCOMMITTEE'S REGISTRATION WG WHICH IT BELIEVED WOULD ACCOMPLISH THIS. NEW PROVISION, MILLER SAID, WOULD OBLIGE STATE OF REGISTRY TO REGISTER A MARKING WHEN ITS SPACE OBJECT WAS SO MARKED. ACCEPTANCE OF THIS COMPROMISE, MILLER OBSERVED, WOULD NOT PRECLUDE "MORE COMPREHENSIVE" PROVISION IF FUTURE TECHNICAL ADVANCES SHOULD PERMIT.

9. MILLER SAID "END OF ROAD" ON MOON TREATY NOT SO CLEARLY VISIBLE AS WITH REGISTRATION AND MAINTAINED THAT POSSIBLE CONTINUED LACK OF PROGRESS ON MOON SHOULD NOT BE ALLOWED TO HINDER PROGRESS ON REGISTRATION OR OTHER OSLS AGENDA ITEMS. (HE WAS CLEARLY URGING USSR NOT TO ASSERT LINKAGE BETWEEN COMPLETION OF TREATIES ON REGISTRATION AND MOON, WHICH THEY HAVE DONE ON OCCASION IN PAST, BUT DID NOT TODAY, EITHER IN BILATERAL CONVERSATION WITH US OR IN GENERAL DEBATE.)

10. ON DBS, MILLER SAW MUCH PROGRESS IN RECENT WG SESSION WHICH, HE SAID, SHOULD ASSIST OSLS NOW. HE THOUGHT SUBCOMMITTEE COULD DRAFT PRINCIPLES "IN THOSE AREAS WHERE HIGH DEGREE OF CONSENSUS EXISTS," CITING FACTORS SUCH AS SOVEREIGNTY AND EQUALITY OF STATES. MILLER VIEWED UNGA RES 3182 (XXVIII) AS DIRECTIVE TO SUBCOMMITTEE TO ENTER INTO DRAFTING OF PRINCIPLES.

11. ON REMOTE SENSING, CANADIAN REP SAID OSLS SHOULD BE CAUTIOUS ABOUT INHIBITING DEVELOPMENT OF GENERALLY BENEFICIAL TECHNOLOGY. ON OTHER HAND, IF NO REGULATION WORRISOME SITUATION MIGHT DEVELOP FROM MONOPOLY BY A FEW TECHNOLOGICALLY ADVANCED STATES, ESPECIALLY OVER ANALYSIS OF REMOTE SENSING INFORMATION. MILLER SUGGESTED MAJOR UNDERLYING PROBLEM WAS BALANCE BETWEEN PERMANENT STATE SOVEREIGNTY OVER NATURAL RESOURCES, PER UNGA RES, AND POTENTIAL BENEFITS FROM BROAD RANGE

OF REMOTE SENSING APPLICATIONS, E.G., WORLDWIDE CROP
SURVEYS.
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12. IN BRIEF INTERVENTION SWEDISH REP SAID HIS COUNTRY'S
POSITION UNCHANGED ON MOON AND REGISTRATION
ISSUES. HE EXPRESSED BELIEF (PROBABLY JUSTIFIED) THAT
CANADA/SWEDEN DBS PRINCIPLES ENJOY WIDE SUPPORT IN OSLS.

13. SUBCOMMITTEE CHAIRMAN INTERRUPTED GENERAL DEBATE
TO INTRODUCE ERIC SUY, UN LEGAL COUNSEL FOR BRIEF REMARKDS.
SUY UNHELPFULLY ASSERTED (A) EXISTENCE OF CONCEPTUAL
CONFLICTS BETWEEN FREEDOM TO USE OUTER SPACE AND STATE
SOVEREIGNTY; (B)CLOSE ANALOGIES BETWEEN OUTER SPACE
AND LAW OF THE SEA. TAKING CURRENT DIFFICULTIES WITH
LOS INTO ACCOUNT, SUY SAID, HE STILL WISHED OSLS SUCCESS
IN ITS WORK.DALE

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